IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Craig L. Ogg, et al.
Application No.	:	10/731,992
Filed	:	December 8, 2003
Title	:	COMPUTER POSTAGE AND MAILING TRACKING LABELS
Grp./Div.	:	3628
Examiner	:	Wu, Rutao
Docket No.	:	PSTA0003/MRK

DECLARATION BY JP LEON UNDER 37 C.F.R. § 1.132
IN SUPPORT OF AMENDMENT AND RESPONSE
TO OFFICE ACTION DATED MAY 28, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710

In support of the Amendment and Response to the Office Action dated May 28, 2008, I, JP Leon, declare under 37 C.F.R. § 1.132 as follows:

1.   I have more than a dozen years of experience in the area of United States Postal Service mailing and shipping services and technologies.

2.   As of the date of making this Declaration, I am Vice President of Postal Affairs and Technology for Stamps.com Inc., one of the assignees of the above-identified patent application. In my current position with Stamps.com, I am responsible for, among other things, working closely with the United States Postal Service to obtain approvals for various products and technologies by Stamps.com.

3.   Before joining Stamps.com, I worked for Neopost. In particular, I joined Neopost in September 1995 and worked with that company until February 2003. I held various titles during my tenure with Neopost. During the time of the priority filing date (August 1, 2001) and the filing date (August 1, 2002) of the above-identified application, I served as Vice President and Chief Technology Officer for Neopost Online. During that time, I

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worked closely with the United States Postal Service on behalf of Neopost to obtain approvals for various matters for that company.

4.   I hold a Bachelor of Science degree in Engineering from Northern Arizona University and a Masters in Business Administration from California State University, Hayward, California.

5.   I am an inventor named on numerous U.S. Patents involving postal technologies, including, for example, U.S. Patent Nos. 7,243,842, 7,085,725, 6,996,546, 6,816,844, 6,701,304, and 6,591,251.

6.   I have reviewed the patent application (U.S. Patent Application No. 10/731,992) that is the subject of the Amendment and Response for which this Declaration is made. I have also reviewed Block (U.S. Patent No. 6,010,156, "*Block*") and Reid et al (U.S. Pub No. 2005/0195214 "*Reid*"), two of the references cited in the Office Action dated May 28, 2008.

7.   It is understood in the art that postage indicia and mailing barcodes must be printed according to strict formatting requirements. For example, USPS guidelines directed to the margins, label sizes, and placement of Postage Indicia, and the size, placement, and other characteristics of POSTNET and PLANET™ bar codes, and any facing identification mark (FIM) on mail pieces as described in the Domestic Mail Manual (DMM) and Title 39, Code of Federal Register (CFR), Part 111, are expressly incorporated by reference in the Specification of the present application.

8.   The strict formatting requirements are in place so that postage indicia and related mailing barcodes are scannable, or are otherwise machine-readable, according to standards imposed by the relevant postal service. Postage indicia must be scannable, or otherwise machine-readable, according to standards imposed by the relevant postal service so that the relevant postal service can confirm the amount of paid postage and

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can determine whether the postage indicia is valid or fraudulent. Mailing barcodes must be scannable, or otherwise machine-readable, according to standards imposed by the relevant postal service so that the postal service can properly route mail and accurately report tracking.

9.   In order to ensure that postage indicia and related mailing barcodes will be scannable, or otherwise machine-readable, according to standards imposed by the U.S. postal service, before any entity is allowed to implement a method for printing U.S. postage indicia and mailing barcodes, the United States Postal Service rigorously scrutinizes the proposed labels and related procedures.

10.   In order to properly format postage indicia and mailing barcodes for printing on separate labels of a particular label set, a computer system must be programmed to precisely format the postage indicia and the associated mailing barcodes and to precisely format the spatial relationship of the postage indicia and the associated mailing barcodes as compared to a sheet on which the postage indicia and mailing barcodes are to be printed.

11.   Such precision in formatting is required so that the postage indicia and associated mailing barcodes can be printed completely within the perimeters, such as perimeters that have been micro-perforated, of the respective separate labels.

12.   Such precision in formatting is further required so that the postage indicia and associated mailing barcodes, once printed, will be scannable, or otherwise machine-readable, by standard equipment used by the relevant postal service.

13.   It is my opinion that the photographic formatting and printing disclosed in _Reid_ does not require a high degree of precision in formatting because there is no pre-defined perimeter, such as a micro-perforated perimeter, for the resulting photograph printout and because there is no stringent requirement that a resulting _Reid_ image be
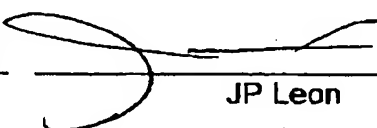
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scannable, or otherwise machine-readable. It is my opinion that the aesthetic formatting and printing of photographs disclosed in *Reid* would be subject to potentially substantial distortion as compared to the precision required for formatting and printing of postage indicia and mailing barcodes.

14   Further, it is my opinion that a *Reid* photographic style sheet fails to disclose a plurality of identically configured label sets where each label set comprises a portrait oriented label and at least one landscape oriented label. As distinguished from formatting the single landscape-oriented and portrait-oriented photographs such as is disclosed in FIG. 8e of *Reid*, formatting postage indicia and mailing related barcodes for a particular label set on a sheet of label sets where each label set comprises a portrait oriented postage indicia label and at least one landscape-oriented barcode label, requires formatting a set of postage indicia and mailing related barcodes according to postage indicia and one-dimensional barcode requirements (such as, by way of illustrative example, postal service requirements such as those described in the Domestic Mail Manual (DMM) and Title 39, Code of Federal Register (CFR), Part 111, (that were, as previously mentioned above, incorporated by reference in the Specification of the present application)), respectively, for printing on a single label set within the perimeters of the labels for the particular label set and with respect to the other label sets on the sheet.

15.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Date: 23 SEPT 2008

JP Leon

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